THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15791 of 2007

DATED:30-07-2007

BETWEEN:

M/s Poojitha Constructions,
A partnership firm, having its office at 7-1-58,
Rep., by its partner,
Kakani Ramanareddy,
Kamalapuri Colony,
Hyderabad.

..... PETITIONER

AND

The Revenue Divisional Officer,
Chevella Revenue Division,
Chevella,
Rangareddy District & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in seeking to remove the existing 50 ft. road in Sy.No.59/26 of Peddatoopra village of Samshabad mandal, Rangareddy District which has been formed in the proceedings No.B/1204/2005, dated 06-05-2005, of the 2nd respondent and which is the only access to reach the land of the petitioner firm and others, as illegal, and arbitrary.

3. It is the case of the petitioner that one Chakali Sharvaiah, s/o Peda Lachaiah was the assignee of an extent of Ac.4.04 guntas of land in Sy.No.59/26 situated at Peddatoopra village, Shamshabad mandal and though the said land was assigned in favour of the said Sharvaiah part of the same was used as public track by the neighbouring land owners. The lands of the petitioner's father are passing through the said public track and he has developed his lands and also obtained permission from the 1st respondent-Revenue Divisional Officer for conversion of the agricultural lands into other than the agricultural lands by proceedings, dated 21-06-2007. Prior to the said

conversion the 2nd respondent-Mandal Revenue Officer, Shamshabad recognized the said public track which is a part and parcel of the assigned land to an extent of 50 ft width admeasuring Ac.1.12 guntas and deleted the said land from the patta land and treated it as a Government land for the public purpose vide proceedings B/1204/2005, dated 06-05-2005. It is stated that all of a sudden without giving any notice to the neighbouring land owners who have been using the said land, respondents are closing down the said 50 ft vide road.

4. Learned Government Pleader appearing for the 1st respondent submits that the 2nd respondent is not the competent authority to convert the assigned land into a Government land and therefore, on a report filed by the 2nd respondent-Mandal Revenue Officer, 1st respondent-Revenue Divisional Officer, Chevella vide proceedings No.D/3116/2006, dated 23-10-2006, cancelled the earlier proceedings, dated 06-05-2006, of the 2nd respondent directing the 1st respondent to take over the said land into Government custody.

5. I am not inclined to express any opinion with regard to the validity or otherwise of the said cancellation order of the 1st respondent, dated 23-10-2006, as admittedly, the said proceedings are not the subject matter of this Writ Petition. Therefore, as the petitioner has not questioned the said cancellation orders, no relief can be granted in this Writ Petition.

6. Accordingly, Writ Petition is dismissed with a liberty to the petitioner to question the said order, dated 23-10-2006, of the 1st respondent. No order as to costs. Learned Government Pleader for Revenue shall give a copy of the order of the 1st respondent, dated 23-10-2006, to the learned counsel appearing for the petitioner.

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V.ESWARAIAH,J

30th July, 2007.

Note:

Furnish C.C. of the order
within two days.

B/o
Tsy